IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.11 OF 2006
WITH
CIVIL APPLICATION NO.15 OF 2006

Mr.Dilipsing Ratiya Laohera. ..Appellant.

V/s.

M/s.M.M.R.D.A.,a body incorporated
Mumbai. ..Respondent.

WITH

APPEAL FROM ORDER NO.12 OF 2006
WITH
CIVIL APPLICATION NO.16 OF 2006

Mr.Ravindra Jayaram Fadtare. ..Appellant.

V/s.

M/s.M.M.R.D.A.,a body incorporated
Mumbai. ..Respondent.

WITH

APPEAL FROM ORDER NO.13 OF 2006
WITH
CIVIL APPLICATION NO.17 OF 2006

Mr.Mahendrasingh D.Laote. ..Appellant.

V/s.

M/s.M.M.R.D.A.,a body incorporated
Mumbai. ..Respondent.

Mr.A.M.Sarogi for appellant.

Mr.R.M.Sawant for Respondent.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 6, 2006.

P.C. :

1. Heard counsel for the parties.

2. These appeals take exception to the order passed by the trial court refusing to grant ad-interim relief. The trial court has noted that the documents produced by the appellants/plaintiffs do not disclose that the appellants were member of Sai- Krupa Co-op. Society or that the suit structures were not affecting the road alignment. The counsel for the appellants relied on certain communications sent from the office of MMRDA to contend that the structures in question are not affecting the road alignment at all. It is not possible to accept this submission. Counsel for the respondent has produced on record official map which clearly indicates that structures ID. No.19, 21 and 22 are coming within the road alignment of Santacruz-Chambur Link Road. The original file was also produced before me. Counsel for the appellants was asked to take inspection of the original documents produced by the respondent before this court. After taking inspection of the said documents Mr. Saraogi, counsel for the appellants fairly accepts that the suit structures ID No.19, 21 and 22 are in the middle of the road alignment of Santacruz-Chambur Link Road. In this view of the

matter, he submits that the appellants cannot carry the matter any further on this aspect.

3. The grievance of the appellants however, is that the appellants have been offered alternate accommodation in terms of the provisional letter of allotment, which is not suitable at all. That issue cannot be the basis to stop development work which is in public interest. According to the respondent the alternate accommodation offered to the appellants which is permanent tenements of 225 sq.fit is close by to the suit site, in proximity of about 2 kms. Even so, in my opinion, it is not necessary to dwell upon this contention. That aspect can be resolved in the pending suit before the trial court. The appellants may ask for appropriate relief as may be advised. If such relief is claimed all questions in that behalf are left open to be decided by the trial court.

4. The appellants will have to vacate the suit premises and move to the alternate permanent tenements offered to them. That be done within two weeks from today.

5. It is made clear that if the appellants fail

to vacate the suit structure within two weeks from today, it will be open to the respondent corporation to take such measures as may be required in accordance with the law.

6. The appeals as well as civil applications are accordingly dismissed with above observations.